

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

United States of America)	Cr. No. 6:14-400-HMH-1
)	
vs.)	
)	OPINION & ORDER
William Oneal Winfrey,)	
)	
Movant.)	

This matter is before the court on the Defendant's motion for a sentence reduction pursuant to the First Step Act, Pub. L. No. 115-391, December 21, 2018, 132 Stat. 5194. The Fair Sentencing Act of 2010 reduced the sentencing disparity between cocaine base and powder cocaine offenses. Pub. L. No. 111-220, August 3, 2010, 124 Stat. 2372. The First Step Act made the Fair Sentencing Act retroactive. Pub. L. No. 115-391, December 21, 2018, 132 Stat. 5194. The Defendant argues that he is entitled to relief under the First Step Act.

On October 27, 2014, the Defendant pled guilty pursuant to a plea agreement to one count of conspiracy to possess with intent to distribute 1 kilogram or more of heroin in violation of 21 U.S.C. § 841(b)(1)(A), and one count of felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). On March 25, 2015, the Defendant was sentenced to 240 months' imprisonment. The Defendant appealed his conviction and sentence. The Fourth Circuit affirmed in part and dismissed in part on December 4, 2015. United States v. Butler, Nos. 15-4201, 15-4205, 15-4215, 629 Fed. App'x 554 (4th Cir. Dec. 4, 2015) (unpublished).

After review, the Defendant's motion is denied because the First Step Act does not reduce the statutory penalties associated with his conviction for conspiracy to possess with intent to distribute 1 kilogram or more of heroin. Further, Defendant was previously sentenced under

the statutory penalties provided by the Fair Sentencing Act. Based on the foregoing, the Defendant's motion, docket number 608, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

June 26, 2020
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

Movant is hereby notified that he has the right to appeal this order within fourteen (14) days from the date hereof, pursuant to Rule 4 of the Federal Rules of Appellate Procedure.